

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<b>IN RE NAMENDA DIRECT PURCHASER ANTITRUST LITIGATION</b>  <b>THIS DOCUMENT RELATES TO: All Direct Purchaser Actions</b>	<b>Case No. 1:15-CV-07488-CM-RWL</b>
---	--------------------------------------

**NOTICE OF MOTION *IN LIMINE* NO. 6: PRECLUDE “LITIGATION  
RISK” OR “RISK AVERSION” OR PURPORTED “EARLY ENTRY” AS  
PROCOMPETITIVE JUSTIFICATIONS**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum, dated May 24, 2019, and the accompanying Declaration of Dan Litvin along with exhibits attached thereto, Direct Purchaser Class Plaintiffs, hereby submit a Motion to Preclude “Litigation Risk” or “Risk Aversion” or Purported “Early Entry” as Procompetitive Justifications.

Dated: May 24, 2019

Respectfully Submitted:

/s/ Dan Litvin

David F. Sorensen  
Ellen T. Noteware  
Daniel C. Simons  
Berger Montague PC  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Tel: (215) 875-3000  
Fax: (215) 875-4604  
dsorensen@bm.net  
enoteware@bm.net  
dsimons@bm.net

Bruce E. Gerstein  
Joseph Oppen  
Kimberly M. Hennings  
Dan Litvin  
Garwin Gerstein & Fisher LLP  
88 Pine Street, 10th Floor  
New York, NY 10005  
Tel: (212) 398-0055  
Fax: (212) 764-6620  
bgerstein@garwingerstein.com  
jopper@garwingerstein.com  
khennings@garwingerstein.com  
dlitvin@garwingerstein.com

Peter Kohn  
Joseph T. Lukens  
Faruqi & Faruqi, LLP  
1617 John F Kennedy Blvd., Suite 1550  
Philadelphia, PA 19103  
Tel: (215) 277-5770  
Fax: (215) 277-5771  
pkohn@faruqilaw.com  
jluken@faruqilaw.com

David C. Raphael, Jr.  
Erin R. Leger  
Smith Segura & Raphael, LLP  
3600 Jackson Street, Suite 111  
Alexandria, LA 71303  
Tel: (318) 445-4480  
Fax: (318) 487-1741  
draphael@ssrllp.com  
eleger@ssrllp.com

Stuart E. Des Roches  
Andrew W. Kelly  
Odom & Des Roches, LLC  
650 Poydras Street, Suite 2020  
New Orleans, LA 70130  
Tel: (504) 522-0077  
Fax: (504) 522-0078  
stuart@odrlaw.com  
akelly@odrlaw.com

Russ Chorush  
Heim Payne & Chorush, LLP  
1111 Bagby, Suite 2100  
Houston, TX 77002  
Tel: (713) 221-2000  
Fax: (713) 221-2021  
rchorush@hpcellp.com

***Counsel for the Direct Purchaser Class Plaintiffs***

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2019, I electronically filed the above by CM/ECF system.

Respectfully submitted,

/s/ Dan Litvin .  
Dan Litvin